



1 dismissed without prejudice and without award of costs to either party. *See, e.g., Cooney v.*  
2 *Edwards*, 971 F.2d 345, 346 (9th Cir. 1992)(holding that the District Court properly dismissed  
3 plaintiff's claims that had become either moot or unripe). A proposed Order accompanies this  
4 Report and Recommendation.

5 Any objections to this Recommendation must be filed and served upon all parties no later  
6 than **June 6, 2011**. If no objections are filed, the matter will be ready for the Court's  
7 consideration on that date. If objections are filed, any response is due within 14 days after being  
8 served with the objections. A party filing an objection must note the matter for the Court's  
9 consideration 14 days from the date the objection is filed and served. The matter will then be  
10 ready for the Court's consideration on the date the response is due. Objections and responses  
11 shall not exceed twelve pages. The failure to timely object may affect your right to appeal.

12 DATED this 23rd day of May, 2011.

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14 BRIAN A. TSUCHIDA  
15 United States Magistrate Judge  
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